

MAR 30 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTHA ELENA CARPIO GUERRA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-73353

Agency No. A072-118-162

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 18, 2009<sup>\*\*</sup>

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Martha Elena Carpio Guerra, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") decision denying her motion

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

to reopen proceedings to renew her application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Ordonez v. INS*, 345 F.3d 777, 782 (9th Cir. 2003). We deny the petition for review.

The BIA did not abuse its discretion in denying Carpio Guerra's untimely motion to reopen because she failed to submit material evidence of changed country conditions in Guatemala. *See* 8 C.F.R. § 1003.2(c).

**PETITION FOR REVIEW DENIED.**